

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



Hilary A. Best

Plaintiff,

Write the full name of each plaintiff.

CV 22-4882
No.

-against-

Alexandr Craivan, Detective, NYPD, and

The New York City Police Department,

COMPLAINT

Do you want a jury trial?

☒ Yes ☐ No

DONNELLY, J.

Defendants.

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

BLOOM, M.J.

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NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Hilary		Best
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Not In Custody

Current Place of Detention

Post Office Box 751072

Mailing Address

Forest Hills,	New York	11375
County, City	State	Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced prisoner
- ☒ Other: **Released**

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:	Alexandr	Craivan	945624
	First Name	Last Name	Tax Reg#:
	Detective, 113th Precinct, New York City Police Department		
	Current Job Title (or other identifying information)		
	167-02 Baisley Boulevard		
	Current Work Address		
	Jamaica	New York	11434
	County, City	State	Zip Code
Defendant 2:	New York City Police Department		
	First Name	Last Name	Shield #
	Current Job Title (or other identifying information)		
	One Police Plaza Path		
	Current Work Address		
	New York	New York	10038
	County, City	State	Zip Code
Defendant 3:	First Name	Last Name	Shield #
	Current Job Title (or other identifying information)		
	Current Work Address		
	County, City	State	Zip Code
Defendant	First Name	Last Name	Shield #
	Current Job Title (or other identifying information)		
	Current Work Address		
	County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: 113th Precinct, 167-02 Baisley Boulevard, Jamaica, New York 11434

Date(s) of occurrence: May 12, 2022

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On or about March 16, 2022, Plaintiff received a telephone call from the Defendant, Advising Plaintiff that a complaint had been made against Plaintiff for harassment, which Plaintiff knew to be false as Plaintiff was aware of no such conduct having been engaged in on Plaintiff's part, thus advising Defendant to check his information because Plaintiff was not interested in being subjected to a false accusation and arrest. Plaintiff suggested that defendant obtain a sworn complaint from the complainant so that Defendant would not be responsible for a false arrest upon a falsified criminal complaint. Despite Plaintiff's warning, Defendant subjected Plaintiff to an I-CARD arrest, whereby an I-CARD (Information Card) was used to subject Plaintiff to arrest and detention in the same manner, force and effect as an arrest warrant, but without it being sworn to under penalty of perjury. A criminal complaint based on the I-CARD arrest was filed with the Queens County Criminal Court on or about May 18, 2022, under Queens County Criminal Court Docket No. CR-011739-22QN. Plaintiff was issued a DAT (Desk Appearance Ticket directing Plaintiff to appear in Queens Criminal Court on June 1, 2022. On the return date, Plaintiff appeared in criminal court and objected to arraignment on an unverified hearsay complaint, resulting in an adjournment of the case to June 14, 2022, and again to June 21, 2022, when Plaintiff's motion to dismiss for lack of subject-matter jurisdiction was formally submitted, with a decision date scheduled for August 26, 2022. A reading of the unsworn complaint filed against Plaintiff by the Defendant reveals that there was no probable cause for Plaintiff's arrest, and that the allegations thereof were fabricated and embellished by the Defendant to effect Plaintiff's false arrest and unlawful detention. Further, the complaint was drawn pursuant to CPL 100.30(1)(d), which fails to require verification under oath in violation

of the 4th, 6th, 13th and 14th Amendments to the United States Constitution, unlawfully allowing for arrest, detention and involuntary servitude upon unsworn complaints. Further, it is the policy of the New York City Police Department to subject those suspected of criminal offenses, to be arrested upon I-CARDS with the same force and effect as arrest warrants without being based upon sworn affidavit or deposition.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Plaintiff was subjected to false arrest and unlawful detention in violation of the 4th, 6th, 13th and 14th Amendments to the United States Constitution, which caused Plaintiff severe mental and physical pain and suffering, unlawful restraint and servitude, and subjected Plaintiff to false and malicious allegations and prosecution intended to deprive Plaintiff of liberty without due process of law.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

Plaintiff requests that the Court find in favor of Plaintiff 150 Million Dollars in Compensatory Damages, and 300 Million Dollars in punitive damages against the Defendant in his individual and official capacities, for false arrest; unlawful detention; malicious prosecution; mental, emotional, physical pain and suffering; and that the Court Declare CPL 100.30(1)(d) Unconstitutional in failing to require verification in accordance with established procedural due process of law under the 4th, 6th, 13th and 14th Amendments, requiring that no one be involuntarily detained without formal and sufficient accusation; and declaring Defendants' use of an I-CARD in the same manner and effect as an arrest warrant constitutes a violation of the 4th, 6th, 13th and 14th Amendments to the United States Constitution, and enjoining the practice.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS


By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>August 12, 2022</u>		<u></u>
Dated		Plaintiff's Signature
<u>Hilary</u>	<u>A.</u>	<u>Best</u>
First Name	Middle Initial	Last Name
<u>Post Office Box 751072</u>		
<u>Address</u>		
<u>Forest Hills</u>	<u>New York</u>	<u>11375</u>
County, City	State	Zip Code

Hilary Best
Post Office Box 751072
Forest Hills, NY 11375



Pro Se Clerk
United States District Court
Eastern District of New York

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